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OFFICE OF PETITIONS

In re Application of
Hiroyuki Kawae, et. al.
Application No. 10/026,871
Filed: December 21, 2001
Attorney Docket No. 01-764

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed August 1, 2008, to revive the above-identified application. The delay in responding is sincerely regretted.

The instant petition is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Ross J. Christie appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

Additionally, it is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) along with the \$810 fee and the submission under 37 CFR 1.114; (2) the petition fee of \$1,540; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 2879 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Telephone inquiries concerning this decision should be directed to the undersigned at
(571) 272-3226.

A handwritten signature in black ink, appearing to read "A. Smith", is written over the printed name.

Andrea Smith
Petitions Examiner
Office of Petitions